

## REMARKS

Claims 18 to 37 are pending in the present application. Claims 37 has been amended. In view of the following, it is respectfully submitted that all of the presently pending claims are allowable, and reconsideration is respectfully requested.

Claims 18 to 26, 28 to 30 and 36 to 37 were rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent Publication No. 2002/0194170 ("Israni").

Claim 18 relates to a method of transmitting digitally coded traffic information, in which the digitally coded traffic information is transmitted according to predetermined regulations between a transmitter and at least one receiver via at least one of a unidirectional information channel and a bidirectional information channel. Claim 18 recites that a subset of the predetermined regulations is defined, and the digitally coded traffic information is always at least one of coded, transmitted, and decoded according to the subset.

Israni purportedly relates to a method and system for using real-time traffic broadcasts. In this regard, in paragraph [0005], Israni refers to the Radio Data System-Traffic Message Channel (RDS-TMC) as described in the 1996 version of the CENELEC END50067 specification, in which TMC messages are mentioned as one of several types of information that is transmitted via the radio data system (RDS). However, Israni does not disclose, advocate, or even suggest, to deviate from the RDS-TMC standard, or that messages of the TMC system, without exception, should now be coded, transmitted, and decoded according to a subset of the messages format provided in the standard, as required by claim 18.

The Final Office Action asserts on page 10 that paragraphs [0004] and [0005] of the Israni reference teach that the RDS-TMC traffic messages represent a subset of the predetermined regulations. It is respectfully submitted, however, that such an interpretation is not accurate since in paragraph [0004] Israni merely states that "the traffic information that is broadcast conforms to one of more pre-established specifications or formats," and in paragraph [0005] Israni further states that the RDS-TMC specification is such a specification. This being the case, RDS-TMC traffic messages represent a possibility of coding and transmitting traffic messages according to a pre-established standard. However, the coding according to the RDS-TMC standard is not a coding according to the subset of a standard, rather RDS-TMC is its own standard for coding traffic messages. Consequently, an interpretation of RDS-TMC as a subset of a pre-established regulations is incorrect because there is no superordinated standard for coding traffic messages of which RDS-TMC would represent a partial set or subset. Indeed, Israni does not state, or even suggest, that RDS-

TMC could be a subset of a such a standard. On this, Israni merely states that there are traffic message standards, and that RDS-TMC is one such traffic message standard.

The presently claimed subject matter, by contrast, is directed to traffic messages that do not make use of all options of the RDS-TMC standard, but instead are transmitted in a simplified form, which lessens expenditure on data transmission capacity. For this, certain features explicitly provided in the standard are foregone, and the messages are then coded according to a subset of possibilities provided in the standard. Such a subset is not discussed, or even suggested, by Israni. Accordingly, for at least these reasons Israni does not anticipate claim 18, or claims that depend either directly or indirectly from claim 18, including claims 19 to 24 and 36 to 37.

As regards claims 25, 26, and 28 to 30, Applicants note that claim 25 recites features analogous to those of claim 18, and that claims 26, 28-30 depend from claim 25. Accordingly, it is respectfully submitted that Israni does not anticipate claims 25, 26, and 28-30 for at least the reasons stated in connection with claim 18.

In view of the foregoing, withdrawal of the anticipation rejection based on Israni is respectfully requested.

Claims 31 to 34 were rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 6,070,123 ("Beyer").

Claim 31 relates to a transmitter for conditioning and transmitting digitally coded traffic information. Claim 31 recites features substantially analogous to claim 18. In particular, claim 31 recites an arrangement for coding the digitally coded traffic information according to a subset of predetermined regulations.

Similar to Israni, Beyer does not disclose, or even suggest, an arrangement for coding digitally coded traffic information according to a subset of predetermined regulations, as recited in claim 31, for at least the reason that a subset of the RDS-TMC standard is not discussed or even suggested by Beyer. Accordingly, Beyer does not anticipate claim 31, or claims that depend from claim 31, including claims 32 to 34.

In view of all of the foregoing, withdrawal of the anticipation rejection based on Beyer is respectfully requested.

With respect to the rejection of claims 27 and 35 under 35 U.S.C. § 103(a) as being unpatentable over the combination of Israni and Beyer, it is respectfully submitted that even if it were proper to modify the references as suggested (which is not conceded), Beyer does not cure the critical deficiencies of Israni (as explained above) with respect to claim 18, from which claim 27 depends, and Israni does not cure the critical deficiencies of Beyer (as

explained above) with respect to claim 31, from which claim 35 depends, because both Israni and Beyer fail to disclose or suggest the analogous features of claims 18 and 35 with respect to coding digitally coded traffic information according to a subset of predetermined regulations. It is therefore respectfully submitted that claims 27 and 35 are allowable over the combination of Israni and Beyer.


Moreover, the Examiner's assertions that it would have been obvious to "modify the system and method of Israni et al. to include a transmitter as taught by Beyer et al. because the transmitter allows two-way communication between vehicles and controls centers and allows the vehicles to request information from the control centers," and "modify the system and method of Beyer et al. to include memory as taught by Israni et al. because the memory allows the digitally coded traffic broadcast to be stored and accessed later," are mere hindsight reasoning without proper support, and the Examiner's assertions fail to demonstrate a requisite motivation to combine the applied references.

In view of the foregoing, withdrawal of the rejections of claims 27 and 35 under 35 U.S.C. § 103(a) is therefore respectfully requested.

### **Conclusion**

In view of the foregoing, it is respectfully submitted that all of the presently pending claims 18 to 37 are allowable. It is therefore respectfully requested that the objections and rejections be withdrawn. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is respectfully requested.

Respectfully submitted,

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